

POSITION PAPER FOR GENERAL ASSEMBLY FIRST COMMITTEE

The topics before the General Assembly Disarmament and Security Committee are the Illicit Arms Trade, the Control of Conflict Material and the Privatization of War. India is committed to enhance efficiency of disarmament and security UN policy through a regional and global multilateralism.

I. Illicit Arms Trade

India has always been committed to develop both multilaterally and bilaterally measures to address the danger of Illicit Arms Trade. Its regular contributions to the *United Nations Register of Conventional Arms Transfers* since 1994 and to the *United Nations Programme of Action to Prevent, combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects* are based on deep efforts to ensure the efficiency of its national Arms Act (1959) and Arms Rules (1962) as can be inferred by its *Integrated National Report on the Implementation of international Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* sent to the UN Secretary General on the 31st of January 2010. India's efforts to enhance international peace through conventional disarmament are meant to implement the recommendations of the Report of the Secretary General *S/2008/258*. Particularly concerned by this issue in the regions of Kashmir and Jammu, where many Illicit Traded Arms are being seized by Indian relevant Agencies every year, India tends to develop forms of standardization of end-users certificates, to manage ammunition stockpiles to enhance peace-building efforts and is sincerely bent on contributing to closer cooperation among national authorities. For instance, India calls upon every Member States to foster regional cooperation as it tends to implement through its commitment to the *Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation* or through its arrangement with European Union in the Joint Working Group. However, India does not believe that an Arms Trade Treaty would improve the results of the fight against Illicit Arms Trade. Indeed, India did not vote in favour of *A/RES/64/48* as we believe that the right to self-defence under the Article 51 of the UN Charter implies also the sole responsibility of a state to apply by the international humanitarian law. A strict implementation of export control obligation and no diversion of these responsibilities to non-State actors are, according to India, the right way to deal with this deeply concerning issue. India recalls its willingness to implement efficiently the UN PoA and emphasises the necessity to bind strong ties between this policy and the combat against terrorism, illicit drug trafficking and money laundering. For that purpose, India encourages bilateral approaches such as its Memorandum of Understanding signed with Italia on Combating International Terrorism and Transnational Crime (February 2007). Thus, India strongly calls upon the Member States to combine multilateral and bilateral approaches to have a comprehensive method to fight against Illicit Arms Trade.

II. The Control of Conflict Minerals

India is fully aware that minerals have been fueling conflicts for a long time now and that they are one of the most important elements of destabilization in too many places around the world, especially in Africa. Due to strong ties that we have established with African countries, we are deeply affected by the situation and by

the fact that the problem has not been solved yet. This is why India calls upon all Member States to tackle this problem in order to break the link between minerals and armed conflicts. We recognize that many efforts have been made to prevent diamonds from financing conflicts, especially with the 2002 *Kimberly Process Certification Scheme* that we consider as the most efficient regulatory mechanism. We are also convinced that more States will back it by seeking membership and by applying its measures. However, fully alarmed by the fact that there is no international protocols on the overall issue of conflict minerals, and that the question of coltan, tungsten and tin are still pending, we back the resolution *S/RES/1625* which recognizes the link natural resources and conflicts and we urge the General Assembly to take effective measures to help African government to have a better control on their resources. We do not believe that mineral resource is a 'curse', term which include that no one can act. We also encourage the General Assembly to call all the extractive companies to take measures by themselves to have more transparency in the areas where they extract the mineral. We also invite all extractive companies to fulfill the recommendations of the *Voluntary Principles on Security and Human Rights*, developed in 2002, in order to protect the indigenous populations. We feel confident that they can commit themselves by accepting the 2006 *World Bank's International Finance Corporation* recommendations by taking into account that their decisions may cause or exacerbate conflict. Fully conscious of the importance of the regional organizations, especially the African Union, we hope that more cooperation will be implemented between them and the General Assembly.

III. Privatization of War: Employing and arming independent militias

India is alarmed and concerned about the danger that the activities of mercenaries may constitute a threat to peace and security in developing countries, particularly in Africa and in small States. We are deeply conscious that militias may violate human rights and be an element of destabilization of areas in conflict. We support the policy implemented by the British Association of Private Security Companies (BAPSC), which decided that all UK PMCs to abide by all international legislation regarding human rights and humanitarian laws since most o the countries they intervene lack of strong national legislation. We also feel confident that all PMCs will keep on implementing their own self regulation. We invite all Member States to follow the recommendations of the Working Group set by the Human Rights Council *resolution 7/21*, especially the point that asks all Member States to abide by the 1989 *resolution A/RES/44/34* in order to speed the process of ratification. We endorses the 2008 *Montreux Document* promoted by the International Red Cross (*A/63/467-S/2008/636*) which is a description of good practices that aims to provide guidance and assistance to States in ensuring respect for international humanitarian law and human rights law and otherwise promoting responsible conduct in their relationships with PMSCs operating in areas of armed conflict. We also encourage the Member States to go further by enforcing this document giving to it a binding dimension for Contracting States and a Home States since we believe that they have the capacity to implement all the good practices, especially transparency. Moreover we invite all Member States to think about an exhaustive list of the allowed operations in order to prevent any irreversible incident. We also ask the General Assembly to co-operate with the Organization for African Union which tries to tackle the problem by developing legislation on the definition of a mercenary and on the punishment for people convicted of engaging in acts of mercenary.